

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JMB SHIPPING ATB 284, LLC, :
:
Plaintiff, : **ORDER DISMISSING**
-against- : **COMPLAINT FOR LACK OF**
:
UNICO COMMODITIES LLC, INC., : **JURISDICTION**
:
Defendant. : 21 Civ. 8907 (AKH)
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X

ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff, a Delaware limited liability company, sues defendant, a Texas company. *See* Complaint at ¶¶ 2–5. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332(a)(1). Limited liability companies are deemed to be citizens of all the states in which their constituents are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51 (2d Cir. 2000) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185 (1990)); *see also Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1014 (2016) (“While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”). Plaintiff has failed to identify the members of the limited liability company and allege their citizenship. Additionally, Plaintiff does not allege whether Defendant is an LLC or a corporation, only that Defendant is a “company.” Compl. ¶ 5. If Defendant is an LLC, Plaintiff must identify its members and allege their citizenship.

The Complaint is dismissed, with leave to replead an adequate basis of diverse citizenship no later than 30 days from this order. Plaintiff may not make any other amendments to the Complaint. Once Plaintiff files an Amended Complaint alleging an adequate basis of diverse citizenship, Defendant may move to dismiss on Rule 12(b)(6) grounds and such motion

will be considered fully briefed on the basis of the briefs filed in connection with the pending motion to dismiss (ECF Nos. 11, 12, 15, 18).

SO ORDERED.

Dated: February 25, 2022
New York, New York

Alvin. K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge